

Town of Garrett Park

Ordinance 2011-01
Introduced: 02/14/2011
To Be Adopted: 03/14/2011

WHEREAS, Section 78-22 of the Town Charter establishes that “The council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when required”; and

WHEREAS, Section 78-28, Regulation and Control by Council states “The council has the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration; nomination; town elections; the content of the ballot; and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud”; and

WHEREAS, The Council desires to bring the registration requirements and conduct of election procedures laid out in Chapter 2 of the Code of Ordinances into conformity with certain Maryland laws and current state election practices;

NOW, THEREFORE, the Town Council of Garrett Park, finding that it would be in the interest of the Town and its residents to clarify and reform the Town’s voter registration requirements and election procedures, hereby adopts under the authority granted to the Council by the Garrett Park Charter as referenced above, the following Ordinance.

An Ordinance to Clarify and Reform the Town of Garrett Park’s Voter Registration Requirements and Election Procedures

Remove the current Chapter 2 Elections of the Garrett Park Code of Ordinances in its entirety and to replace it with a new Chapter 2 as presented below:

CHAPTER 2

ELECTIONS

Section 201. Universal Voter Registration

(a) An individual who is registered to vote with Montgomery County and who resides within the corporate limits of Garrett Park is automatically eligible to vote in Town elections.

(b) An individual who is not a citizen of the United States and who meets the qualifications of Section 78-20 of the Charter of the Town of Garrett Park is eligible to vote in Town elections.

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(c) No person shall be allowed to cast a vote at any Town election unless he or she shall have been registered at least 30 days prior to the date of said election.

(d) Any person voting at any election must have been a resident of the Town for at least 30 days prior to election.

Section 202. Absentee Voting

(a) Any qualified voter may vote as an absentee voter.

(b) Applications for Absentee Ballots. A registered voter desiring to vote at any election as an absentee voter shall make application for an absentee ballot at any time before 3 p.m. on the Wednesday immediately preceding an election to the Clerk-Treasurer in a written request that includes the voter's name and residence address and the address to which the ballot is to be mailed, if different from the residence address.

(c) Late application for Absentee Ballot.

(1) Beginning on the Thursday preceding the election, a registered voter or the voter's duly authorized agent may apply for an absentee ballot (i) in person at the Town Office or (ii) by electronic means to the Clerk-Treasurer. If requested on election day, the application for absentee ballot must be received in a timely manner that allows for the absentee ballot to be delivered, cast and returned prior to the close of the polls on election day.

(2) An application for an absentee ballot shall be supplied to the voter or the voter's duly authorized agent.

(3) The application shall be made under penalty of perjury but without a formal oath.

(4) After review of the application, the Judges of Election may issue an absentee ballot to the voter or the voter's duly authorized agent.

(5) A qualified applicant for an absentee ballot may designate a duly authorized agent to pick up and deliver an absentee ballot under this subtitle. An agent under this section: (i) must be at least 18 years old; (ii) may not be a candidate on that ballot; (iii) may not be an employee of the Town nor a Town elected official, except in the case of an immediate family member; (iv) shall be designated in writing signed by the voter under penalty of perjury; and (v) shall execute an affidavit

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under penalty of perjury that the ballot was: (A) delivered to the voter who submitted the application; (B) marked and placed in an envelope by the voter in the agent's presence; and (C) returned to the Judges of Election.

(d) Delivery of Ballots. If the applicant is a qualified voter the Clerk-Treasurer, Judges of Election, or duly qualified poll worker shall, as soon as practicable, deliver to him or her, at an address designated by him or her, an absentee voter's ballot and an envelope for the ballot.

(e) Record of Applications and Ballots

(1) The Clerk-Treasurer or Judges of Election shall keep a record of applications for absentee voters' ballots as they are received showing the date and time received, the names and residences of the applicants, and such record shall be available for examination by any registered voter.

(2) After approval of an application for an absentee ballot and upon the mailing or delivery to the applicant of an absentee ballot, the voter's record shall show the fact that an absentee ballot has been mailed or delivered, and the date on which the ballot was provided. No such voter shall be allowed to vote in person at any polling place.

(f) One Ballot to an Applicant. Not more than one absentee ballot shall be provided to any one applicant unless the Clerk-Treasurer or Judges of Election have reasonable grounds to believe that the absentee ballot previously provided has been lost, destroyed or spoiled.

(g) Form of Absentee Ballots. The ballots shall contain the words "Absentee Ballot" printed in large letters in a clear space at the top of each ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing 'X' in the proper blank after each candidate or question. Do not erase or make any identifying marks."

(h) Counting of Absentee Ballots.

(1) The Judges of Election shall not open or unfold any absentee ballot at any time prior to the closing of the polls and the beginning of the count of the absentee ballots. The Clerk-Treasurer shall deliver to the Judges of Election any absentee ballots received. These absentee ballots shall not be opened or unfolded by the Clerk-Treasurer. Before opening the envelopes containing the absentee ballots the Judges of Election shall note receipt of same on the voter record.

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(2) At any time after the closing of the polls and not later than the count of the votes cast at the regular voting place(s) the Judges of Election shall proceed to count and certify the absentee ballots contained in the ballot envelopes, received by them prior to the closing of the polls.

(3) Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted for such candidate but such vote shall not invalidate the remainder of such ballot.

(4) Whenever the Clerk-Treasurer or Judges of Election shall determine from proof or investigation that any person who has marked and transmitted or deposited in person with the Clerk-Treasurer or Judges of Election an absentee ballot, has died before election day, said Judges of Election shall not count the ballot of the said deceased voter. If at or prior to the time of such counting the Judges of Election shall not have determined that the absentee resident who marked a ballot has died before election day, said ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

Section 203. Canvassing within 50 Feet of Election Buildings

(a) No person shall canvass, electioneer, solicit votes or post any campaign material in any polling place or within a fifty (50) foot radius from the entrance and exit of the building closest to that part of the building where ballots are cast.

(b) A violation of this section shall be a municipal infraction, punishable by a fine of \$100.

Section 204. Filing of Disclosure Statement

(a) All elected or appointed Town officials and all candidates for election of Town offices shall file with the Clerk-Treasurer, each year, not later than 30 days prior to the regular Town election beginning with the regular election of 1975, a financial disclosure statement, signed under the penalty of perjury, setting forth any interest which they may have in any real property within the Town and any interest which they may have in any business entity doing business with the Town. Such a statement shall also be filed by a person appointed by the Town Council to fill a vacancy in any Town office before he or she assumes the office. The statement shall be kept on file at the Town office as public record for at least three years from the date of filing.

(b) Penalty. Failure to comply with the provisions of this Section shall constitute a municipal infraction and in the case of elected or appointed

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officials, removal from office. In the case of candidates for office, failure to comply with the provisions of this ordinance shall result in removal of their names from the election ballot.

Section 205. Promulgation of Regulations and Approval of forms

(a) Promulgation of Regulations. The Council may, from time to time, adopt, amend, or rescind by resolution such regulations as it deems necessary to further ensure the proper management of Town elections.

(b) Preparation of Forms. The Clerk-Treasurer shall, with the approval of the Council, create such forms as necessary to implement the provisions of this Chapter.